

REMARKS

This paper is responsive to a non-final Office action dated March 17, 2004. Claims 1-32 were examined. Of these, claims 3-5, 14, and 15 were allowed, and claims 1, 2, 6-13, and 16-32 were rejected.

**Drawings**

The Office did not check a box indicating whether the drawings were acceptable or not. The Applicant respectfully requests clarification regarding the acceptability of the drawings.

**Allowable Subject Matter (Claims 3-5, 14, and 15)**

The Office objected to claims 3-5 and 14-15 as being dependent upon a rejected base claim. The Office indicated, however, that claims 3-5 and 14-15 would be allowable if rewritten in independent form. Accordingly, claims 3, 14, and 15 have been rewritten in independent form. Claims 4 and 5, which depend from claim 3, remain as originally filed.

**Addition of Claims 33-40**

Claims 33-40 have been added to more fully claim the subject matter to which Applicant believes he is entitled. No new matter has been introduced by these claims, and the claims are fully supported by the specification as originally filed.

Claims 33-35 are believed to be allowable over the art of record, because none of the cited art teaches or suggests establishing a user defined operation that includes establishing user-defined evaluation criteria. Neither does any cited art teach or suggest that a displayed indication reflects application of the evaluation criteria to the user-defined state.

Claims 36-40 are believed to be allowable over the art of record, because none of the cited art teaches or suggests that the first indication is a graphical indication representing one of at least two states. Neither does any of the cited art teach or suggest that the graphical indication is a binary indicator.

Claims 33-40 are also believed to be allowable over the art of record because, for the reasons set forth below, the independent claims from which each of these claims depends is allowable. For at least these reasons, therefore, the Applicant respectfully requests the Office to allow Claims 33-40.

### **Rejection of Claim 16 under 35 USC § 112**

Claim 16 was rejected under 35 USC § 112 due to a lack of antecedent basis for the claim limitation, "plural visual indications." Due to a clerical error, Claim 16 recited dependence on claim 1, but was intended to recite dependence on claim 15. Claim 16 has been amended to recite the correct dependence from claim 15, which provides proper antecedent basis for "plural visual indications."

### **Rejection of Claims 1-2, 7-8, 11, 13, 17-28, and 30-32 under 35 USC § 103(a)**

Claims 1-2, 7-8, 11, 13, 17-28, and 30-32 were rejected under 35 USC § 103(a) as being unpatentable over Sugita (U.S. Patent No. 6,075,778) in view of Makipaa et al. (U.S. Patent No. 6,556,217).

#### *Claim 1*

In rejecting claim 1, the Office refers to figures 9 and 10 of Sugita and the accompanying description. Specifically, the Office asserts that column 2, lines 10-15 of Sugita teach "associating a first indication on the display with a user-defined external state," (emphasis added). The Office further asserts that column 2, lines 15-19 of Sugita teach "establishing a user-defined operation for monitoring the user-defined external state," (emphasis added). The Office relies on Makipaa for disclosure of a space-constrained display of a portable device.

The cited portions of Sugita teach a mobile radio station that receives data updates for various types of data from a base station. When a data update is received by the mobile radio station, the mobile radio station displays the type of data for which the update was received. The user can then view the updated data by selecting a displayed data type. *See* Sugita, column 2, lines 1-20.

Claim 1 recites generally associating a first indication on the display with a user-defined external state, and establishing a user-defined operation for monitoring the user-defined external state. The Applicant submits that Sugita does not teach or suggest any of the following: 1) a user-defined external state; 2) establishing a user-defined operation; 3) associating a first indication on the display with the user-defined external state; or 4) establishing a user-defined operation for monitoring the user-defined external state. Thus, the combination of Sugita and Makipaa does not teach or suggest all elements of claim 1, and cannot support a rejection under 35 USC § 103(a). The Applicant, therefore, respectfully requests the Office to withdraw its rejection of claim 1.

#### *Claim 20*

Claim 20 has been amended to correct a clerical error. The amendment is fully supported by the specification as filed, and does not add any new matter.

The Office rejected claim 20 for the same reasons it rejected claim 1. For the following reasons, the Applicant submits that claim 20 is in condition for allowance, and respectfully requests the Office to withdraw its rejection of claim 20.

The cited portions of Sugita do not teach or suggest user-defined associations with external states. The portable device of claim 20 includes an element that recites generally, a communications interface that allows the portable device to receive information encoding one or more external states and to update respective ones of the visual indications based on respective user-defined associations with the external states. Thus, the combination of Sugita and Makipaa does not teach or suggest all elements of claim 20, and cannot support a rejection under 35 USC § 103(a).

#### *Claim 25*

The Office rejected claim 25 for the same reasons it rejected claim 1. For the following reasons, the Applicant submits that claim 25 is a condition for allowance, and respectfully requests the Office to withdraw its rejection of claim 25.

The cited portions of Sugita do not teach or suggest establishing user-defined associations with external states. The computer program product of claim 25 includes an element that recites generally, a first functional sequence executable to establish an association between plural indications on a display of a portable device and respective user-defined external states. Thus, the combination of Sugita and Makipaa does not teach or suggest all elements of claim 25, and cannot support a rejection under 35 USC § 103(a).

### *Claim 31*

The Office rejected claim 31 for the same reasons it rejected claim 1. However, Sugita does not teach or suggest, alone or in combination with other cited art, a means for associating a visual indication with an external state based on a user selection. Since claim 31 generally recites such a means, the Applicant submits that a rejection under 35 USC § 103(a) is not supported, and respectfully requests the Office to withdraw its rejection.

### *Claims 2, 7-8, 11, 13, 17-19, 21-24, 26-28, 30, and 32*

Claims 2, 7-8, 11, 13, 17-19, 21-24, 26-28, 30, and 32 depend either directly or indirectly from allowable independent claims 1, 20, 25, or 31. For at least this reason, the Applicant respectfully submits that claims 2, 7-8, 11, 13, 17-19, 21-24, 26-28, 30, and 32 are in condition for allowance, and respectfully requests the Office to withdraw its rejection of these claims.

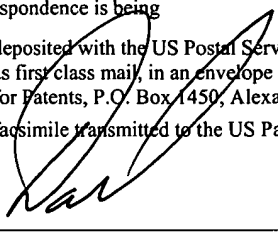
### **Rejection of Claims 6, 9-10, 12, and 29 under 35 USC § 103(a)**

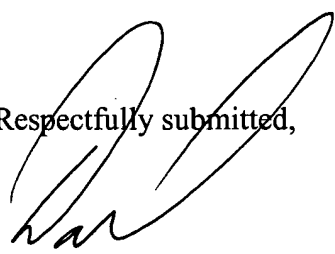
Claims 6, 9-10, 12, and 29 were rejected under 35 USC § 103(a) as being unpatentable over Sugita (U.S. Patent No. 6,075,778) in view of Makipaa et al. (U.S. Patent No. 6,556,217), and further in view of Harui (U.S. Patent No. 6,690,394). Specifically, the Office relied on Sugita and Makipaa to provide the teachings of the broad claims, and relied on Harui to provide elements recited in each of the dependent claims 6, 9-10, 12, and 29.

As noted above, the Applicant submits that independent claims 1 and 25, from which claims 6, 9-10, 12, and 29 respectively depend, are in condition for allowance. For at least this reason, the Applicant submits that claims 6, 9-10, 12, and 29 are themselves allowable, and respectfully requests the Office to withdraw its rejection of these claims.

CONCLUSION

In summary, claims 1-40 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

<u>CERTIFICATE OF MAILING OR TRANSMISSION</u>	
I hereby certify that, on the date shown below, this correspondence is being	
<input checked="" type="checkbox"/>	deposited with the US Postal Service with sufficient postage as first class mail, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
<input type="checkbox"/>	facsimile transmitted to the US Patent and Trademark Office.
 _____ David W. O'Brien	<u>10 Aug-04</u> _____ Date



Respectfully submitted,

David W. O'Brien, Reg. No. 40,107  
Attorney for Applicant(s)  
(512) 338-6314  
(512) 338-6301 (fax)

EXPRESS MAIL LABEL: _____
---------------------------